

IT IS SO ORDERED.

Dated: 04:05 PM October 09 2009


MARILYN SHEA-STONUM *PH*
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT AKRON**

IN RE:)	CASE NO. 04-53061
)	
VICTORIA ELDER)	ADVERSARY NO. 09-5106
)	
Debtor)	IN PROCEEDINGS UNDER CHAPTER 7
)	
HAROLD A. CORZIN, TRUSTEE)	JUDGE MARILYN SHEA-STONUM
)	
Plaintiff)	
)	
vs.)	
)	
VICTORIA ELDER, et al.)	
)	
Defendants)	JUDGMENT ORDER

This cause came on for consideration upon the motion of the plaintiff, Harold A. Corzin, Trustee, to enter judgment by default in favor of the plaintiff and against the defendants, Victoria Elder and Keith Elder, and, it appearing to the court that the defendants have failed to answer or otherwise defend the complaint of the plaintiff despite the elapse of the time afforded them by law following service of summons and process herein, it is therefore

ORDERED that Harold A. Corzin, Trustee, be, and he hereby is, granted judgment against the defendants, Victoria Elder and Keith Elder, jointly and severally, in the amount of \$262,053.77, the amount which was received from the City of Akron and constituting property of the estate on or about the 18th day of December, 2006 as evidenced by the release attached as Exhibit A, and it is further

ORDERED that a constructive trust in said amount be imposed upon the property known as 2565 Newton Street, Akron, Ohio 44305 in favor of the plaintiff, Harold A. Corzin, as trustee for the estate of Victoria Elder, to secure repayment of said sum.

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Submitted by:

GIBSON & LOWRY

/s/ Michael J. Moran

Michael J. Moran (#0018869)

Attorney for Plaintiff

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PARTIES TO BE SERVED ELECTRONICALLY:

Harold A. Corzin, hcorzin@csu-law.com

United States Trustee

Michael J. Moran, moranecf@yahoo.com

PARTIES TO BE SERVED BY REGULAR U.S. MAIL:

Victoria Elder
2565 Newton Street
Akron, OH 44305

Keith Elder
2565 Newton Street
Akron, OH 44305

RELEASE

THE UNDERSIGNED, Victoria Elder, for the consideration of the total sum of \$262,053.77 paid by the City of Akron, the receipt of which is hereby acknowledged, do for myself and heirs, executors, administrators, and assigns, hereby release and forever discharge the City of Akron, its principals, agents, employees, insurers, heirs, successors, and assigns, from all actions, causes of action, suits, debts, sums of money, claims and demands of any kind or description whatsoever in law or in equity which I now have or may claim to have or which my heirs, executors or administrators may have or claim to have arising out of any matter whatsoever to the date hereof. Without limiting the generality of the foregoing, it is understood and agreed that this release is intended to cover, and does cover, any and all actions, causes of action, claims and demands of whatsoever kind or nature for damages arising from the matters alleged in my complaint filed in the United States District Court for the Northern District of Ohio Eastern Division, case no. 5:00 cv 2047.

It is expressly understood and agreed that this release and settlement is intended to cover, and does cover, not only all now known losses, damages, and expenses incurred, but any future losses, damages, and expenses not now known or anticipated, but which may later develop or be discovered, including all the effects and consequences thereof.

It is further expressly understood and agreed that this release is intended to cover, and does cover all claims which have been set forth or which could have been set forth by the undersigned in the aforementioned litigation filed against the City of Akron (5:00 cv 2047) including, but not limited to, litigation expenses and attorney fees. Said Complaint is to be dismissed with prejudice.

It is expressly understood that this is a compromise of disputed claim, and that payment by

the City of Akron to Victoria Elder of the above stated sum is not to be construed as an admission of liability on the part of the City of Akron or its agents. The City of Akron expressly denies liability therefore and intends merely to avoid further litigation with respect to such claim.

It is also agreed and understood that the above stated amount is to be paid on or before January 31, 2007 and that additional interest at the statutory rate under Ohio Law is owed if payment is not tendered on or before such date.

A separate payment will be made to the plaintiff's attorneys in lieu of statutory attorney fees and based on the probable statutory fee awards for the FLSA and Ohio Public Records Act claims.

Victoria Elder hereby declares that she fully understands the terms of this settlement, that the amount stated herein is the sole consideration of this release and that she voluntarily accepts said sum for the purpose of making a full and final compromise, adjustment and settlement of all claims for expenses incurred as a result of this claim.

IN WITNESS WHEREOF, we have hereunto set our hands at Akron, Ohio, This 18th day of December, 2006.

Melinda Mace
Witness

Victoria L. Elder
Victoria Elder

Ronnie Mace
Witness